

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.102, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 70, “Lead-Based Paint Activities,” Iowa Administrative Code.

The proposed amendment amends the definition of “minor repair and maintenance activities.” The change in the definition will, in limited instances, increase the minimum area of disturbed painted surface that triggers regulation.

This proposed amendment was requested by the remodeling industry. The Department worked with the industry to expand the minimum area but still maintain the intent of the regulation. The overall intent of the regulation is to prevent children from being lead-poisoned due to unsafe renovations.

Any interested person may make written suggestions or comments on this amendment on or before October 23, 2012. Written materials should be directed to Kane Young, Department of Public Health, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)242-6335; e-mail kane.young@idph.iowa.gov.

Also, a public hearing will be held on Tuesday, October 23, 2012, from 9 to 10 a.m. on GoToMeeting. Interested persons may join the meeting by computer by accessing the following Web site: <https://www1.gotomeeting.com/register/908112520>. Interested persons may also join the meeting by telephone in the U.S. and Canada, toll-free, at 1-866-685-1580; the access code is 7359884760#, and an audio PIN will be announced after the person joins the meeting. Persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department of Public Health and advise staff of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 135.105A.

The following amendment is proposed.

Amend rule **641—70.2(135)**, definition of “Minor repair and maintenance activities,” as follows:

“Minor repair and maintenance activities” means activities, including minor heating, ventilation or air-conditioning work, electrical work, and plumbing, that disrupt less than ~~1.0 square feet~~ the minimum areas of a painted surface established in this definition where none of the work practices prohibited or restricted by this chapter are used and where the work does not involve window replacement or demolition of painted surface areas. When painted components or portions of painted components are removed, the entire surface area removed is the amount of painted surface disturbed. Projects, other than emergency renovation, performed in the same room within the same 30 days must be considered the same project for the purpose of determining whether the project is a minor repair and maintenance activity. Renovations performed in response to an elevated blood lead (EBL) inspection are not considered minor repair and maintenance activities. The minimum area for minor repair and maintenance activities is:

- 1. Less than 1.0 square foot of an interior painted or finished wood surface per renovation;*
- 2. Less than 6.0 square feet of a painted or finished drywall or plaster surface per room; or*
- 3. Less than 20.0 square feet of an exterior painted or finished surface per renovation.*

Projects performed pursuant to 24 CFR Part 35 shall comply with the de minimis levels in 24 CFR 35.1350 if these de minimis levels are more restrictive than the minimum areas of a painted surface established in this definition.